

REMARKS/ARGUMENTS

Claims 1-24, 26-27 and 30 have been amended. Claims 1-30 are pending in this application.

The Examiner is thanked for the courtesies extended during the telephonic interview conducted on October 13, 2009.

The Examiner objected to the specification as failing to disclose "a program on a computer readable medium" as recited in claims 9 and 14. It is respectfully submitted that the specification describes, for example, that a program 343 may be stored in a memory 330 and that a CPU 314 may execute the program 343 stored in the memory. (See specification, for example, at page 14, ln. 18-20, pg. 15, ln. 1 and 21-23 and FIG. 3.) Accordingly, it is respectfully submitted that the specification of the originally filed application provides support for objected to claims 9 and 14, such that the objections to the specification should be withdrawn.

In addition, claims 2-4, 7 and 11-12 were objected to as containing informalities. Claims 2-4, 7 and 11-12 have been amended to remove the informalities, such that the objections to claims 2-4, 7 and 11-12 have been overcome and should be withdrawn.

Claims 1-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oishi (EP 1037131) in view of Stirbu (U.S. Patent Appn. No. 2003/0200433).

Amended independent claim 1 recites, in relevant part, the following:

    a first step by which the first data processing device uses the first authentication key data, wherein the first authentication key data is from an integrated circuit ("IC") device and had been generated using key data designated by key designation data, and the second

processing device uses the second authentication key data, wherein the second authentication key data is generated in the second data processing device using the key data designated by the key designation data which has been communicated to the second data processing device and is from the IC device, and authentication is performed between the first data processing device and the second data processing device;

(emphasis added; independent claims 5, 6, 8, 9, 10, 13, 14, 23, and 27 contain similar limitations). Support for the amendments to the independent claims is found, for example, at pg. 21, ln. 21 - pg. 23, ln. 24. As discussed in the application and during the Examiner interview, a mutual authentication may be performed between a device which is to be authenticated and contains an IC device, and an authenticated side, where a first data processing device and a second data processing device perform the authentication. According to an exemplary embodiment of the claimed invention, in the authentication, the first data processing device uses first authentication key data, which is on the IC device and had been generated using key data designated by key designation data; and the second data processing device uses second authentication key data, which is generated in the second data processing device using the key data designated by the key designation data, where the key designation data that the second data processing device uses to obtain the key data for generating, in the second data processing device, the second authentication key data has been "fetch[ed]" from the IC device and communicated to the second data processing device.

The Examiner admitted that Oishi does not disclose performing an authentication between first and second data processing devices, where an IC device contains first authentication key data and key designation data, as required by

the claimed invention. Further, the applied portions of *Oishi* do not appear to disclose or suggest that "the key designation data which has been communicated to the second data processing device and is from the IC device," is used at the second data processing device to obtain the key data that is designated by the communicated key designation data and, further, that the second data processing device generates the second authentication key data from the key data designated by the communicated key designation data, as required by the claimed invention.

*Stirbu* does not cure the deficiencies of *Oishi* regarding the requirements of the claimed invention, as described above. The applied portions of *Stirbu* appear to disclose a key K with a bound (associated) IM Private Identity (IMPI) contained on a smart card that is included in a initiator (means to be authenticated), and a responder (authenticated side) which also includes the key K in its memory or obtains through a trusted interface with a database HSS 14 "information derived from the key K that is used by the responder to authenticate the initiator and vice versa." (See paragraphs [0032] and [0033]). As discussed with the Examiner during the interview, nowhere do the applied portions of *Stirbu* appear to disclose or suggest that key designation data is on an IC device also including first authentication key data, which had been generated using key data designated by the key designation data and is used at the means to be authenticated (first data processing device); and furthermore that the key designation data from the IC device is communicated to the authenticated side (second data processing device), and that second authentication key data is generated in the authenticated side (second data processing device) using the key data designated by the key designation

data which is communicated to the second data processing device from the IC device, as required by the claimed invention.

It is, therefore, respectfully submitted that claim 1 is distinguishable from the combination of *Oishi* and *Stirbu* applied by the Examiner.

For reasons similar to or somewhat similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claims 5-6, 8-9, 10, 13-14, 23 and 27, which include limitations corresponding to those of claim 1 discussed above, are distinguishable from the combination of *Oishi* and *Stirbu* applied by the Examiner.

Claims 2-4, 7, 11-12, 15-22, 24-26 and 28-30, which depend from one of the independent claims, also are patentable over the applied combination of *Oishi* and *Stirbu* for at least the same reasons as set forth above for claim 1, and because of the further restrictions they include.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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